

From: Harvey Lange
To: Microsoft ATR
Date: 1/25/02 9:54pm
Subject: Microsoft Settlement

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The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs.

Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

Have you looked to see what operating systems choices are offered from DELL or Gateway? It does not matter if you are purchasing a new or a refurbished PC, your selection for an operating system is limited to Microsoft Windows 2000/ME/XP. You cannot even order one of these systems without an Operating System. If you buy a system from one of these two vendors, then you must also purchase a Microsoft Operating System to go with it. Even if your old system is crashed and you just want to replace it and install the software (with license) you already have, you can't. Why, because they have to and can only ship Windows.

Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional 'white box' OEMs, if they offer competing products.

I cannot purchase a "Home Brew" PC from most local computer stores with a Windows Operating System installed even if I have an original license and CD. When asked why, I get various reasons like "we don't think your license is real", or "we can only install Windows if we sell you the license", and in one case they admitted "we don't want to risk being sued by Microsoft". It is much safer to sell PCs without operating systems and avoid legal hassles because they cannot afford the legal fees. The government appears to be protecting the big corporations and not the small businesses.

Thank you.

Harvey Lange
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